

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
THURSDAY, JANUARY 2, 2003**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of January 2, 2003, was called to order by Mayor Hitchcock at 5:33 p.m.

Present: Council Members – Beckman, Hansen, Howard, Land, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Conference with Labor Negotiator, Human Resources Director Joanne Narloch, regarding International Brotherhood of Electrical Workers (IBEW) and Mid-Management Employees pursuant to Government Code §54957.6
- b) Prospective acquisition of real property located at 1164 S. Lower Sacramento Road, Lodi, California (APN #027-040-12); the negotiating parties are City of Lodi and Menarda Valentine; Government Code §54956.8
- c) Review of Council Appointees – City Manager, City Attorney, and City Clerk (Government Code §54957)

C-3 ADJOURN TO CLOSED SESSION

At 5:33 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session concluded at 7:12 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:18 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Hays disclosed the following actions.

In regard to Item C-2 (a), Council gave direction to negotiators.

In regard to Item C-2 (b), Council authorized the beginning of condemnation action.

Item C-2 (c) was not addressed in closed session.

A. CALL TO ORDER / ROLL CALL

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Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Kevin Scruggs, Calvary Bible Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

- D-1 Awards – None
 - D-2 Proclamations – None
 - D-3 Presentations – None
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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Land, Hansen second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- E-1 Claims were approved in the amount of \$2,770,641.43.
 - E-2 The minutes of November 20, 2002 (Regular Meeting), November 26, 2002 (Shirtsleeve Session), December 10, 2002 (Shirtsleeve Session), December 10, 2002 (Special Meeting), December 17, 2002 (Shirtsleeve Session), December 17, 2002 (Special Meeting), December 24, 2002 (Shirtsleeve Session), and December 31, 2002 (Shirtsleeve Session) were approved as written.
 - E-3 Authorized the sale of scrap wire and metal at periodic intervals during the calendar year 2003.
 - E-4 Adopted Resolution No. 2003-01 awarding the bid for the purchase of 40 single-phase padmount transformers to the bidders whose proposals and equipment met City of Lodi specifications, and whose transformers are expected to yield the lowest overall life-cycle costs:

Howard Industries, Laurel, MS	30 ea. 50kVA 240/120V 1ph	\$31,743.15
Western States Electric, Portland, OR	10 ea. 75kVA 240/120V 1ph	<u>\$12,358.93</u>
		\$44,102.08
 - E-5 Adopted Resolution No. 2003-02 awarding the contract for security at Hutchins Street Square to Windwalker Security Patrol, of Thornton.
 - E-6 “Adopt resolution accepting donation of seven antique phonographs from the Stanley Kirst Estate” was **removed from the Consent Calendar and discussed and acted upon under the Regular Calendar**.

Mayor Pro Tempore Howard congratulated Jeffery Kirst on being selected Realtor of the year by the Lodi Association of Realtors.
 - E-7 Adopted Resolution No. 2003-03 authorizing the City Manager to execute a lease renewal agreement for the use of Maple Square Firehouse, 2 East Lodi Avenue, with Alcoholics Anonymous, in care of Dino Radotic.
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F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Joyce Harmon stated that the proliferation of mistletoe is killing Lodi's trees. She explained that mistletoe is a deadly parasite that infiltrates the bark of the tree and is spread by birds. To remove mistletoe it must be cut one foot back toward the trunk from the point of attachment. Ms. Harmon reported that last spring she organized 105 residents and lot owners in a nearby community and obtained 98% cooperation in mistletoe removal. She distributed a flier and photos to Council (filed). She believed that mistletoe eradication will only be possible through an ordinance, as has been done in eastern cities (e.g. Battlecreek, Michigan) where homeowners are fined if they do not remove mistletoe from their privately-owned trees.

In response to Council Member Hansen, Public Works Director Prima reported that mistletoe in Lodi has been addressed in the past, although not consistently. He explained that there are certain species that are more prone to mistletoe and stated that staff would be returning to Council later this year with a report on a recent survey of all City trees.

Council Member Hansen stated that he would be in favor of exploring the possibility of a mistletoe ordinance.

- Mayor Hitchcock stated that she had received reports of flooding on Lockeford Street and asked Mr. Prima to provide Council with a status report.

Mr. Prima recalled that during heavy storms over the past few months there was street flooding in a number of locations and particularly on Lockeford Street between Mills Avenue and Ham Lane. He suggested that upcoming budget discussions include recommendations for improvements of the control structure at Graves Park, the Lodi Lake pump station, and replacing pipes to increase size.

Mayor Hitchcock stated that one of the residents on Lockeford Street has owned her home for 40 years, and for the past 20 years, her garage has flooded annually.

Mr. Prima explained that Public Works does not have 24-hour crews. During the graveyard shift, calls to the dispatch center go to an answering service. He suggested that to improve response time during non-working hours staff could be assigned (and paid) to be on standby.

Mayor Hitchcock asked what had been done after this issue was brought up last year.

Mr. Prima replied that the weir was lowered at Graves Park. It could be lowered further; however, it would first be necessary to fix a hydraulic condition and the trash rack. The basin modification would need to be done prior to increasing the pipe size.

Addressing City Manager Flynn, Council Member Land noted that this is the second time this problem had been brought before Council and it should be corrected. He stated that property at 1618 W. Lockeford Street floods, and suggested that if it were an area with more expensive homes the situation would have been addressed more quickly. Last year the property owner had been promised that barricades would be put up to prevent motorists from traveling on the flooded street and creating waves. He recommended that if Public Works staff is not available, that the Police Department put up the barricades.

Council Member Hansen concurred with Mr. Land and agreed that this matter should be considered a high priority.

In response to questions posed by Council Member Hansen, Mr. Prima explained that Lodi's drainage system is designed to handle a certain amount of water in a certain amount of time. It works differently when the basins are full versus when they are empty. In areas where there are a lot of trees, leaves can plug up the catch basins and flood intersections very quickly. Homes on Lockeford Street were built in the 1950s and 1960s when lot grading requirements were very different. The pad of new homes today are one and a half to two feet above the street, whereas on Lockeford Street the garages are only one or two inches above the street. The subdivision on the southwest corner of Lodi Avenue and Lower Sacramento Road is a weak spot that tends to flood sooner than other areas. Another area that floods is Crescent Avenue south of Lodi Avenue; however, there is little that can be done to improve it without changing the street and neighborhood. In reference to the intersection of Applewood and Paradise Drives, Mr. Prima stated that many homes that appear relatively new were designed to standards of the early 1980s. In addition, newer homes have drainage pipes connected to downspouts and from backyards, which brings runoff into the streets quickly. In summary, he pointed out that Lodi is a flat city, which makes drainage difficult and expensive to deal with.

- Treacy Elliott recalled that on December 16 he spent two hours standing ankle deep in water on his sidewalk flagging cars down that were traveling at a high rate of speed and had not noticed the street was flooded. He expressed concern that a vehicle may lose control and stated that getting someone to block the street is vital to the safety of residents and motorists. He asked what the City's plan was for correcting the flooding problem on Lockeford Street and how long it would take to complete.

Mayor Pro Tempore Howard agreed that the City should react more quickly to close the street to traffic during times of flooding and suggested that Police Partners be utilized for this purpose if necessary.

- Judy Kosaka voiced concern about the problems that will be created when Lockeford Street is closed due to flooding and cars traveling to the new church on Mills Avenue are diverted to other streets. She questioned why the City allowed four apartment complexes and a duplex to be built within close proximity to one another on Lockeford Street when it was aware of the inadequate drainage.

Mayor Hitchcock asked Ms. Kosaka whether her house has flooded every year for the past twenty years, to which she answered in the affirmative.

Council Member Land stated that he had spoken with Ms. Kosaka previously and assured her that the City would respond quickly to barricade the street if future flooding occurs, and he gave her the home and cellular phone numbers for himself and Mr. Flynn, as well as Mr. Prima's work and home phone numbers.

- Annette Gibbs stated that her daughter parks her car on Lockeford Street and flood water has seeped inside it causing damage. She reported that during the five years she has lived on Lockeford Street it has flooded two or three times every year.

In reply to Council Member Hansen's request to have a plan in place to respond when heavy rains occur, Mr. Flynn assured him that the City would respond quickly and staff will return to Council with recommendations to correct the drainage problem.

G. PUBLIC HEARINGS

None.

H. COMMUNICATIONS

H-1 Claims filed against the City of Lodi – None

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 Appointments – None

H-4 Miscellaneous

- a) Consider communication from John Sutphin requesting that Council place the subject of "lack of enforcement of City codes and ordinances" on a future City Council Agenda.

At the request of Mayor Hitchcock, City Clerk Blackston read the following letter dated December 18, 2002 from John Sutphin to Deputy City Manager Janet Keeter:

Dear Ms. Keeter: Thank you for your prompt response to my earlier request with respect to the lack of enforcement of applicable city codes and ordinances. I believe you missed the target of my inquiry. The city codes and ordinances mentioned include a response by the city department involved. These codes should not rely on a citizen's complaint. The members of the departments involved have the duty to enforce these codes. To advocate a citizen's complaint to enforce these codes is to set a dangerous and illegal precedent. Citizens are

not trained or equipped regarding the proper enforcement of city codes. I came to your office originally to request time for an appearance before the City Council. I now request time to appear before the City Council to present and discuss my views on these subjects. Very truly yours, John S. Sutphin.

PUBLIC COMMENTS:

- John Sutphin stated that he has lived in Lodi since 1969 and for the past five years he has been concerned about codes that are not being enforced. Large trucks parking on city streets obstruct the view of motorists and pedestrians, which creates a traffic hazard. A 60-foot section of chain-link fence belonging to Mr. Reynolds was torn down by a truck owner. Some property owners are not keeping weeds down on vacant lots, which encourages the growth of tumbleweeds. Tumbleweeds then blow into roadways causing motorists to swerve their vehicles. A property owner on Stockton Street north of Almond Drive allowed his property to become overgrown and it caught fire and burned up to the fences of adjacent residences on the west side. Mr. Sutphin submitted a police report to Council chronicling activity that occurred at 433 E. Century Boulevard (filed). He stated that the fire zone sign warns that vehicles parking in the area will be removed; however, it is not being enforced. Mr. Sutphin theorized that all of these issues could be addressed by City employees (e.g. Public Works staff as they travel throughout the city, and Police Officers on patrol) documenting these violations as they witness them and taking enforcement action as time permits.

In reference to truck parking, Council Member Hansen suggested that fines be evaluated to ensure they are significant enough to serve as a deterrent.

Council Member Land stated that the City receives a large number of code enforcement complaints and is doing the best it can to address them. He acknowledged the problem of trucks parking on Harney Lane and recommended that they be cited for the violation, with enforcement beginning tomorrow. He commented that the City still needs citizen involvement and communication.

Mayor Hitchcock agreed that the amount of fines should be evaluated and noted that the fine for walking a dog in an undesignated area of a park is \$290, which seems quite exorbitant compared to a \$12 truck parking fine.

I. REGULAR CALENDAR

- E-6 "Adopt resolution accepting donation of seven antique phonographs from the Stanley Kirst Estate"

PUBLIC COMMENTS:

- Jeffery Kirst reported that his father, who passed away on January 23, 2001, had a collection of 200 antique radios, phonographs, and telephones. He stated that an appraiser had indicated that the first six models of the Victor phonographs are extremely rare and suggested that they be donated to the University of California Santa Barbara's sound museum; however, Mr. Kirst and his mother decided to donate them to the City of Lodi. He stated that the Victor Talking Machine Company was started by Eldridge Johnson, a mechanical engineer who worked for Thomas Edison, as well as the Berliner Company. Mr. Johnson invented the gramophone spring winding that drove the record. Emile Berliner invented the flat record style and had patents in Europe. Mr. Berliner was sued in the United States by Thomas Edison and the Columbia Phonograph Company for infringing on their patent rights. This harmed the Berliner Company, which affected Mr. Johnson who was in United States and Canada producing the motors for the phonographs. Mr. Johnson purchased the patent rights from the Berliner Company and when he eventually won the lawsuit he took out a full page ad in the New York Times proclaiming, "I am the victor of the

lawsuit," after which in 1901 he started the Victor Talking Machine Company. Mr. Kirst estimated the value of the set of phonographs at \$20,000.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Howard second, unanimously adopted Resolution No. 2003-04 accepting donation of seven antique phonographs from the Stanley Kirst Estate.

I-1 "Review and discuss City of Lodi budget calendar and proposed financial strategy"

Finance Director McAthie reviewed the 2003-05 budget calendar (filed).

Mayor Pro Tempore Howard noted that there are numerous opportunities for the public to participate in budget discussions and suggested that the calendar be printed in the newspaper and/or posted at City Hall.

Council Member Hansen recommended that the topic of the budget be one of the first items on the regular calendar section of the agendas. Mr. Hansen, as well as Mayor Hitchcock, requested that the draft budget be submitted to Council for review by May 7.

A lengthy discussion ensued on the merits of Saturday, regular, special, morning, or evening meetings with respect to potential impacts on public participation.

Council Member Hansen suggested that a special meeting be held on June 5 following the regularly scheduled Council meeting on June 4.

Council Member Land preferred that budget discussions occur during Shirtsleeve Sessions, as has been the tradition. He believed that having preliminary budget discussions during regular meetings would add an additional one and a half to two hours to every meeting, which would then likely not conclude until 1:00 or 2:00 a.m.

Mayor Hitchcock stated that the schedule as proposed will remain as is with the exception of changing the Saturday, January 22 date and moving the release of the draft budget to May 7.

City Manager Flynn reviewed the fiscal contingency plan as submitted with the staff report (filed). He stated that key elements to protect the City from adversity include: 1) maintaining target fund balances; 2) following key budget policies; 3) monitoring the City's financial health on an ongoing basis; 4) assessing the short- and long-term problems; 5) identifying options; and 6) preparing and implementing actions plans. He reported that the City targets a 15% reserve, and it has ranged from 7% to 16% over the last eight years. The City is losing \$2.5 million a year due to the Educational Revenue Augmentation Fund (ERAF) takeaway. He reviewed key Council budget policies.

In reply to Council Member Hansen, Ms. McAthie reported that currently the City's reserve is 13.72%.

Council Member Hansen stated that he would be in favor of keeping the reserve at a minimum of 15% for the 2003-05 budget.

Council Member Land stated that allowing some flexibility with the reserve is beneficial.

Mr. Flynn outlined the following options for short-term problems:

- Freeze recruitment of positions;
- Limit travel;
- Deferral of capital projects, vehicle replacement, and expenditure increases. He noted that one of the major expenditure increases under consideration is the paramedic program, which will cost \$700,000 a year;
- Refinancing debt; and
- Consider use of fund balance below policy level.

Council Member Hansen suggested that City Manager Flynn activate the hiring "chill."

Mr. Flynn stated that a budget community advisory group could also be created. He emphasized the importance of keeping employees, the community, and the Council informed of what is being considered, and commented that he would rather react to a real crisis than a perceived one. He reported that the City gets 15% of its budget from the State. In comparison, Lodi Unified School District's total budget is \$178 million, and from that, it receives \$166 million from the State (i.e. 93%).

Council Member Land voiced support for an ad hoc budget committee; however, its role would need to be clearly defined. He also suggested an alternative of two Council Members serving on an audit committee to work with the City Manager.

Mayor Hitchcock did not believe that an ad hoc budget committee would be necessary unless the City had to make major budget cuts.

Council Member Hansen pointed out that the School District provides funds for school resource officers and suggested that Mr. Flynn look into the matter, in the event the funding is cut.

Council Member Beckman expressed interest in exploring the idea of a finance commission, as he believed that a standing citizen group to assist Council with the budget would be helpful.

NOTE: No Council action was taken or necessary.

RECESS

At 9:47 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 10:00 p.m.

I. REGULAR CALENDAR (Continued)

- I-2 "Direct staff to: 1) pursue long-term lease agreements for the City Hall Annex and retail/office space in the Lodi Station Parking Structure; and 2) continue with plans to remodel the old Public Safety Building and City Hall to accommodate the relocation of certain departments"

Public Works Director Prima recalled that as a result of testing that was done for indoor air contaminants, and in particular PCE/TCE that was associated with the groundwater contamination in the area, Council directed staff to work on plans to move the Finance Department out of the City Hall Annex building. He stated that the new police building will be completed in early 2004. There are plans to move the Information Systems Division (ISD) to the basement of the Carnegie Forum once the police investigations unit moves to the new police building. Fire Department administration, Fire Station #1, Public Works, and Community Development would then move to the old public safety building. The departments of Finance, Human Resources, and the offices of the City Clerk, City Manager, and City Attorney would be in City Hall. The new police building will have 7,400 square feet of unused space on the second floor that is anticipated to be used by County offices. It is preferred not to have full-time staff working in the City Hall basement due to the absence of natural light.

In response to questions posed by Council Member Hansen, Mr. Prima reported that Community Development currently has inadequate work space for its staff. Most of the Public Works engineering staff, as well as two ISD staff and a parking hearing officer, work in the basement of City Hall. Long-term plans are to use the basements of City Hall and the old public safety building for large duplicating equipment and conference and break rooms. It is also planned to sublease a portion of the old Sak's building, which is now being used as a public records depository for the PCE/TCE lawsuit. Mr. Prima reviewed the five interim space scenarios as outlined in the staff report (filed), as well as a sixth scenario, recommending that no changes be made.

Mr. Prima reported that the tests the City and others had done in the Annex building showed numbers well below the Occupational Safety and Health Association (OSHA) standard for air quality constituents, but they were above some of the various state and federal goals for exposure. Modifications were made to the HVAC units that increased the amount of fresh air that was brought in to the building. As a result, the follow up testing showed "non-detect" for PCE/TCE. From the results of the testing and reports that have been done, staff cannot explain what is causing the symptoms that some of the employees in the Finance Department have been experiencing. Consequently, staff's recommendation is scenario six, which is to leave things the way they are and continue to keep up with cleaning efforts in the Annex building.

In reply to Mayor Hitchcock, Mr. Prima stated that he did not have specific information related to the extent of the symptoms or number of Finance employees affected; however, he had heard about complaints of allergy-type symptoms.

Finance Director McAthie reported that quite a few of her staff members have filed Workers Compensation claims associated with this issue. In the past year and a half she had to call paramedics several times due to staff members having difficulty breathing. One employee had to be taken to the hospital by ambulance and was put on oxygen that night. Another staff member had to be sent home because of difficulty breathing, and one employee was lost to retirement because of problems related to the ability to breathe in the building. Ms. McAthie noted that these employees told her they did not have these symptoms when they were not in the building. She stated that one employee is constantly coughing. Ms. McAthie had received increased complaints from staff regarding upper respiratory problems, itchy eyes, and headaches. She commented that when these employees worked in City Hall they did not complain of these systems.

Mr. Prima stated that just before tonight's meeting the results of tests in the City Hall basement were received. The air in the basement of City Hall, in terms of fungal spores, is worse than the Annex building. He noted that if the symptoms that the Finance employees are experiencing are caused by fungal spores, then moving back into City hall may not be a solution.

Barry Renn, Analytical Chemist Consultant with Triasterane Analytical and Safety Services, reported that the National Institute of Occupational Safety and Health (NIOSH) recommends that the indoor air be equal to or better in quality than the outdoor air. There are no official standards, regulations, or enforceable limits. NIOSH, OSHA, the American Conference of Governmental Industrial Hygienists, and other organizations are working to try to establish limits. Mr. Renn stated that the 2000 report includes the results of a survey that was offered to all City Hall Annex building employees. The last sampling showed improvement in the air quality. Mr. Renn noted that there are a lot of things in the environment that could cause the symptoms that some employees are experiencing, e.g. the San Joaquin Valley is a high prone area for allergies and it is flu season now. In addition, some people are sensitive to certain chemicals and smells. Mr. Renn stated that he found nothing in the building that would cause illness and suggested that the individuals experiencing the symptoms see their personal physicians to find out what they are allergic to. He reported that originally the PCE/TCE levels were very low, but they were recordable in the 2000 study. Since that time the City has added more air to the building and the levels decreased. At the last sampling the levels were lower than the

lowest detection limit that was detectable by the instrumentation. OSHA's limit for these two chemicals is 25 parts per million, at which they state people can be exposed to eight hours a day, 40 hours a week, without adverse health affects. In 2000 the levels were .02 and .1 parts per million.

In reply to Council Member Beckman, City Attorney Hays explained that his office does not handle the Workers Compensation claims; they are handled through the Human Resources Department. Mr. Beckman indicated that he would like to get information associated with how it is proceeding, with relation to the building, and potential liability the City might have.

PUBLIC COMMENTS:

- Gail Glissman, Customer Services Supervisor, stated that she has been diagnosed with environmental asthma and has a high susceptibility to alternaria. She reported that out of 34 Finance Department employees, 27 are experiencing respiratory problems, eye irritations, and other allergic reaction symptoms. Ms. Glissman read the following from a letter dated May 16 addressed to the City Council:

We are writing this letter to let you know how we, the employees of the Finance Department, feel regarding the extension of the City Hall annex lease. We do not want to work in the City Hall annex. We want to leave the building as soon as possible due to health concerns included but not limited to the potential effects from PCE/TCE contamination

Ms. Glissman stated that since the building has been occupied complaints have been filed with Finance and City Hall administration, OSHA, and CalOSHA. She recalled that the issue of whether or not to move the Finance Department was scheduled on the May 15 Council agenda. Ten Finance employees attended that meeting to voice their concerns; however, the City Manager pulled the item from the agenda. Ms. Glissman stated that it is the desire of the employees that the relocation of the Finance Department moves forward as soon as possible. She believed that if there is even a hint that the health of City of Lodi employees is in danger, and the City has in its power the ability to prevent employees from being exposed to potential hazards, it has a good faith obligation to do so. At a previous Shirtsleeve Session, it was recommended that the Finance Department be moved by the spring of 2003 and Ms. Glissman stated that is what the employees would like to see happen. She recommended the Finance Department be moved to the parking structure until the old public safety building has been renovated.

In answer to questions by Council Member Land, Ms. Glissman reported that 80% of the employees have stated that when they leave the Annex building their symptoms disappear.

Council Member Land remarked that it is important to know if 28 staff members are calling in sick stating that it is due to the environment of the building.

Ms. McAthie replied that often times employees call in sick without identifying the symptoms or cause. She has been encouraging employees to visit their physicians and provide her with a certificate justifying the absence. She concurred with Ms. Glissman that employees have stated they feel better when they are not in the Annex building.

- Nancy Schmer, Field Services Supervisor, indicated that the reason the ISD employees are not experiencing symptoms is because their work area has two HVAC units and no doors leading to the outside. Ms. Schmer asked Council to implement either scenario one or two. She recalled that when the Finance Department moved out of City Hall eight years ago it was cramped for space. The Finance Department currently has 39 employees and the first floor of City Hall now has 31 staff members

that are complaining of inadequate space. The entire first floor of City Hall is being used as office space with the exception of a small conference room and a vault area.

Mayor Pro Tempore Howard mentioned that she had left a message for staff to consider having a satellite office at the new Municipal Service Center. It would provide an alternate site for customers to pay their bills and ameliorate the space issues for Finance at City Hall.

Ms. Schmer read the following statement from the 2000 report and questioned why outside air samples were taken from Stockton:

The carbon dioxide levels indicate that the quantity of make up air may need to be increased to bring these levels to 600 parts per million or lower. The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) guidelines suggest a carbon dioxide range of 600 to 1,000 parts per million. The desired levels are closer to 600 parts per million.

In reply to questions by Council Member Land, Ms. Schmer stated that the air in the Annex building is stale and heavy, and almost every afternoon she has a headache. She reported that a new electric meter reader employee told her that when he comes in the building for a short period in the afternoon he starts feeling a headache coming on. Ms. Schmer stated that it is upsetting to come to work and within minutes hear coughing by multiple people.

Mr. Renn explained that the OSHA limit for carbon dioxide in the air is 5,000 parts per million. The levels set by ASHRAE are considered comfort levels. In 2000 ASHRAE had a guideline which suggested the indoor air for carbon dioxide should be between 600 and 1,000 parts per million. Since then ASHRAE revised the guideline to say that indoor air should be approximately 700 parts per million above the outside air level for carbon dioxide. Mr. Renn emphasized that this is a guideline, not an enforceable standard. In reply to Ms. Schmer's question, Mr. Renn reported that there was no air sample taken in Stockton. In his report he used 350 parts per million (*and added 700 for a total of 1,050*), which is what this area, as well as the Stockton area, is reported to be. He explained that there were two sets of test values that were done. In the first table included in the staff report (filed) it shows samples using an eight hour time weighted average for a tube that collects a specific chemical. The values listed below, entitled "continuous monitoring" were values that were obtained by a continuous monitoring system that has a sensor designed for carbon dioxide and samples were taken every minute. The overall average for that test was 760, which is considerably below the ASHRAE guidelines.

Addressing Mr. Prima, Council Member Hansen expressed concern about discrepancies related to the space needs of the Finance Department and whether the first floor of City Hall would be adequate.

City Manager Flynn assured Mr. Hansen that the long-term intent for the use of the parking structure is commercial space.

Mayor Hitchcock was opposed to the scenario to move three departments and pointed out that needs will change over a three-year period. In addition, she disapproved of the suggestion to move Finance and place another group of employees in the Annex building, which is intimated to be unsafe.

Council Member Hansen noted that transportation funds were used to build the parking structure and questioned the legality of using it for City departments. Mr. Prima believed it could legally be done if the City paid rent as a tenant.

Council Member Land favored moving the Finance Department to the parking structure and ISD into the old Sak's building adjacent to the City Hall Annex.

Council Member Beckman stated that he would not support any option that puts City departments in the parking structure.

Council Member Howard believed that each individual's symptoms should be dealt with on a case by case basis by a personal physician. She stated that in her opinion the best long-term location for the Finance Department would be in City Hall. She advocated scenario three, i.e. moving Finance into City Hall, and the departments of Public Works and Community Development into the parking structure on a temporary basis until the old public safety building has been remodeled.

Council Member Hansen recommended that ISD not be moved twice due to the complexity of their equipment, and suggested that they remain in the Annex building until the basement of the Carnegie Forum becomes available.

Mayor Hitchcock replied that the City would not want to pay rent on the Annex building if only a small portion of it was being used.

Council Member Beckman stated that scenarios four or five would be acceptable to him.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Land second, directed staff to relocate the Finance Department to the Lodi Station Parking Structure and the Information Systems Department to the old Saks Building. The motion carried by the following vote:

Ayes: Council Members – Hansen, Howard, Land, and Mayor Hitchcock

Noes: Council Members – Beckman

Absent: Council Members – None

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Mayor Pro Tempore Howard, Beckman second, voted to continue with the remainder of the meeting following the 11:00 p.m. hour. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Howard, and Mayor Hitchcock

Noes: Council Members – Land

Absent: Council Members – None

I. REGULAR CALENDAR (Continued)

NOTE: The following Regular Calendar items were discussed and acted upon out of order.

- I-4 "Adopt resolution authorizing Library Administration to partner with Stockton-San Joaquin County Public Library in the acquisition, implementation, and ongoing maintenance of an integrated library system and appropriate funding for initial costs (\$125,000)"

Library Services Director Martinez requested permission to partner with the Stockton-San Joaquin County Library and for funding in the amount of \$125,000 for the start up costs for this project. She explained that this is needed because the Lodi Library has a piece of equipment that is seven years old and is no longer being supported by the manufacturer or its vendor. The new system would give the Lodi Library a Web based on-line public access catalog. Ms. Martinez reviewed the integrated library system's features and capabilities as outlined in the staff report (filed). She stated that it is preferred to partner with Stockton because of the cost savings for start up, operating, and the expertise of their Information Systems staff. She noted that Lodi's Information Systems Division Manager was in agreement and had indicated that he did not have the staffing to support an integrated library system even on a part-time basis. Ms. Martinez explained that the \$125,000 (due next fiscal year) includes Lodi's share of the software licensing, migrating data into the new system, training, sales tax, 25 new personal computers in the Lodi Library, and installation of data communication equipment and lines between Stockton and Lodi. Lodi would be charged \$30,000 a year by Stockton as a maintenance fee, of which \$8,000 would go toward Stockton IS staff for maintaining the server. There would

also be an ongoing cost of approximately \$4,000 a year associated with the data link. Ms. Martinez pointed out that the current system has a maintenance fee of \$20,000 a year, which is in the Library's operating budget.

In reply to Mayor Pro Tempore Howard's comments related to privacy and security issues, Ms. Martinez stated that it could be set up so that the Stockton and Lodi data bases are separate and passwords would be required to enter the system.

Mayor Pro Tempore Howard believed that a better approach would be to put the \$34,000 annual cost toward a new IS position so that Lodi could own and operate its own system. Potentially Lodi could then contract with Galt and other areas for services.

Ms. Martinez did not believe that \$34,000 would pay for a systems administrator. She pointed out that if the Lodi Library were to have a stand-alone system, it would have maintenance costs in addition to the need for a systems administrator.

In reply to questions by Council Member Land, Ms. Martinez explained that in the fall of 2001 the Library was notified by the vendor, GEAC, that it would no longer support the computer system after March 31. The concept of getting a new integrated library system was included in the 2001-03 budget; however, it was suggested that the Library fund it through grants. She stated that the \$34,000 annual maintenance fee and data link cost would be paid for out of the Library's operating budget.

Mayor Hitchcock stated that she did not see this as a necessity and believed that it should be prioritized in the budget along with everything else. She did not think the demand from people who wanted to access the Lodi Library's card catalog from their homes was large enough to warrant the expense.

Ms. Martinez reported that the replacement cost would be \$25,000 for a new computer with the same software and data base that the Library is currently using.

In answer to Council Member Hansen, Ms. Martinez reported that the five computers in the Library with access to the Internet are used constantly. She stated that it would be possible to partner with Stockton at a later time; however, staff would then have to go back to the vendor and get a quote for migrating data, etc. in order to join.

Tom Goad, President of the Library Board of Trustees, considered this request as the replacement cost for a seven year old outdated system, which the vendor is no longer supporting.

In answer to Council Member Land, City Manager Flynn acknowledged that this cost was not in the budget, and, if approved, it would have to be financed from the general fund, fund balance. He commented that it may cost more in the long run to put this off.

MOTION:

Council Member Land made a motion, Hansen second, to adopt a resolution authorizing Library Administration to partner with Stockton-San Joaquin County Public Library in the acquisition, implementation, and ongoing maintenance of an integrated library system and appropriate funding for initial costs.

DISCUSSION:

Mayor Pro Tempore Howard reiterated her belief that the Lodi Library should have a stand-alone system, as she felt it was important to own the software and equipment.

Mayor Hitchcock was opposed to taking money from the contingency fund. She agreed with Ms. Howard that the Library would benefit by having its own system. She noted that the annual fee charged by Stockton would likely increase over time.

Council Member Hansen felt that it would be more expensive to have a stand-alone system as compared to this proposal.

VOTE:

The above motion **failed** by the following vote:

Ayes: Council Members – Hansen and Land

Noes: Council Members – Beckman, Howard, and Mayor Hitchcock

Absent: Council Members – None

I-6 “Adopt resolution authorizing a 3% cost of living adjustment for City Council Appointees”

City Manager Flynn recalled that eight years ago the city manager of Lodi was paid more than the city managers of Tracy, Manteca, and Lathrop; however, now their salaries are higher. He distributed a salary comparison of city managers in San Joaquin County (filed). He reported that in November 1999 the Council adopted a resolution authorizing that management employees be given a 3% cost of living adjustment (COLA) increase in January 2000, 2001, 2002, 2003, and 2004. Mr. Flynn recommended that the three Council appointees (i.e. City Manager, City Attorney, and City Clerk) be treated the same as the management staff. He reported that the Consumer Price Index (CPI) from the United States Department of Labor through June of 2002 is 1.9% and previous year's CPIs were as follows:

- 2001 – 4.6%
- 2000 – 4.8%
- 1999 – 4.5%
- 1998 – 2.7%
- 1997 – 3.4%

Mayor Hitchcock stated that she had a report from the Department of Labor through October 2002, which lists the CPI at 1.32%.

Mayor Pro Tempore Howard recommended that this item be continued so that the COLA can be discussed at the same time as salary increases are during the appointee's evaluations, as has been the tradition.

Mayor Hitchcock concurred and stated that it is the Council's responsibility for the appointees.

Council Member Beckman voiced support for the 3% COLA increase as recommended.

Council Member Land hoped that when Council conducts the appointees' evaluations that it also considers the salary survey, the results of which indicate that the City Manager is 15% below the mean, the City Attorney is 15.45% below the mean, and the City Clerk is 22.95% below the mean. He supported the 3% COLA increase for appointees so that it is equitable for all employees. He did not believe it would be fair to branch the appointees out from other management staff and apply another COLA percentage amount.

Mayor Pro Tempore Howard stated that she could endorse the 3% COLA increase considering the appointees' hard work and knowing that the COLA will be one of the values considered as part of the salary discussions during the evaluations.

PUBLIC COMMENTS:

- Art Price read the following article printed in the October 19 Lodi News-Sentinel:

The 46 million social security recipients will get the smallest increase in their benefit checks in four years come January 1. A 1.4% rise that translates to just \$13 a month for the typical retiree. About one third of that will be eaten up by an increase in monthly Medicare premiums. The social security's modest cost of living adjustment, coupled with word that monthly Medicare premiums will go up next year, left many retirees worried Friday about how they would pay their bills.

Mr. Price stated that the City has taken on projects that it cannot afford, e.g. the animal shelter and aquatics facility. He urged Council to “get a rein” on utility rates.

He noted that during the election almost all of the Council candidates said something about affordable housing. He believed it was time for the Council to demonstrate its commitment to fiscal responsibility and limit the proposed COLA increase to 1.4%. He suggested that, as Mayor Hitchcock and Mayor Pro Tempore Howard had intimated, it should be called a merit increase instead of a COLA.

Discussion ensued regarding the differences between merit increases and COLAs, and whether the COLA should be tied to the CPI.

MOTION #1:

Council Member Hansen made a motion to authorize a 3% merit increase for the City Manager, City Attorney, and City Clerk.

The motion **died** for lack of a second.

MOTION #2:

Mayor Pro Tempore Howard made a motion to continue this matter so that it could be discussed in conjunction with the upcoming closed session evaluations of appointees.

City Attorney Hays advised that there is no need to continue this item to be able to do as Ms. Howard suggested; no motion necessary.

MOTION #3:

Council Member Beckman made a motion, Land second, to authorize a 1.4% COLA increase for the City Manager, City Attorney, and City Clerk.

DISCUSSION:

Deputy City Manager Keeter stated that as a member of the management staff she felt compelled to comment that the City Manager has been very fair and equitable to the management staff. He has been vigilant about having annual reviews with department heads and having merit increases separate from the annual COLA. For consistency purposes, she believed his request to be reasonable. She stated that it is very awkward for management staff to receive a 3% COLA in addition to any merit increase that might be received during the annual review, with Council appointees not receiving the same.

Council Member Hansen agreed and stated that it seems unfair to treat the three appointees differently.

Mayor Hitchcock stated that the appointee positions are unique and did not think they could be compared to department heads. Appointees receive an annual review at which time salaries are considered. She stated that appointees should not be treated the same as management employees.

Council Member Land pointed out that the appointee evaluations are normally conducted in December with a merit increase effective in January. It has been suggested to change the evaluations to a later date to be discussed concurrently with the budget.

Council Member Beckman **withdrew** the motion, and Council Member Land **withdrew** his second.

MOTION #4 / VOTE:

The City Council, on motion of Council Member Beckman, Land second, adopted Resolution No. 2003-05 authorizing a 3% COLA for the City Manager, City Attorney, and City Clerk. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Howard, and Land

Noes: Council Members – Mayor Hitchcock

Absent: Council Members – None

- I-5 "Appointments of City Council Members to fill vacancies and expiring terms on various boards, commissions, and committees"

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Howard, Land second, unanimously made the following appointments to fill vacancies and expiring terms on various boards, commissions, and committees (all for an unspecified term):

Lodi Unified School District/City 2 x 2 Committee

Larry Hansen
John Beckman

Greenbelt 2 x 2 x 2 Committee

(Susan Hitchcock)
John Beckman

Greater Lodi Area Youth Commission

(Emily Howard)

Local Agency Formation Commission

(Keith Land)

San Joaquin Council of Governments (SJCOG)

Emily Howard, Delegate
Larry Hansen, Alternate

San Joaquin Partnership

Larry Hansen, Delegate
John Beckman, Alternate

Smart Growth Task Force

Larry Hansen

San Joaquin Housing Authority

(Keith Land)

San Joaquin County Solid Waste Management Task Force

John Beckman

San Joaquin County Community Development Block Grant Program

Keith Land

San Joaquin County Abandoned Vehicle Abatement Service Authority

(Emily Howard)

Northeastern San Joaquin County Groundwater Banking Authority

John Beckman, Delegate
(Susan Hitchcock, Alternate)

San Joaquin County Flood Control and Water Conservation District – Water Advisory Commission

John Beckman

San Joaquin County Mokelumne River Water and Power Authority

John Beckman, Delegate
Larry Hansen, Alternate

Northern California Power Agency (NCPA)

Larry Hansen, Delegate
(Susan Hitchcock, Alternate)

Transmission Agency of Northern California
John Beckman

NOTES:

- (1) Names in parentheses above indicate Council Members who had previously been appointed to the committee and will continue to serve in that capacity.
- (2) The following committees were deleted from the roster:
 - San Joaquin County Regional Rail Commission
 - Mokelumne Rural Fire District Task Force
 - Visitors Convention Bureau Board
 - San Joaquin County Countywide Library Operations Task Force

- I-3 "Adopt resolution amending Traffic Resolution 97-148 approving speed limit reduction on Lodi Avenue between Cherokee Lane and Guild Avenue from 40 to 35 miles per hour"

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Howard second, unanimously adopted Resolution No. 2003-06 amending Traffic Resolution 97-148 by approving the speed limit reduction on Lodi Avenue between Cherokee Lane and Guild Avenue from 40 to 35 miles per hour.

J. ORDINANCES

- J-1 Ordinance No. 1727 entitled, "An Ordinance Of The City Council Of The City Of Lodi Amending Title 3, Chapter 3.12 'Transient Occupancy Tax,' By Repealing Section 3.12.035 Surcharge" having been introduced at a regular meeting of the Lodi City Council held December 18, 2002 was brought up for passage on motion of Council Member Land, Beckman second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:
- Ayes: Council Members – Beckman, Hansen, Howard, Land, and Mayor Hitchcock
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – None

K. ADJOURNMENT TO VARIOUS AGENCY MEETINGS

- K-1 "Meeting of the Lodi Public Improvement Corporation"

At 1:52 a.m., Mayor Hitchcock adjourned the City Council meeting to conduct the meeting of the Lodi Public Improvement Corporation. Following the call to order, Secretary Blackston recorded roll.

The Corporation, on motion of Director Hansen, Howard, second, unanimously adopted Resolution No. LPIC2003-01 electing the new officers to the Lodi Public Improvement Corporation for the year 2003.

There being no further business, the meeting was adjourned at 1:53 a.m.

- K-2 "Meeting of the Industrial Development Authority"

At 1:53 a.m., Chairperson Hitchcock called to order the meeting of the Industrial Development Authority, and Secretary Blackston recorded roll.

The Authority, on motion of Authorizing Member Hansen, Howard second, unanimously adopted Resolution No. IDA-23 electing the new officers to the Industrial Development Authority for the year 2003.

There being no further business, the meeting was adjourned at 1:54 a.m.

K-3 "Meeting of the Lodi Financing Corporation"

At 1:54 a.m., President Hitchcock called to order the meeting of the Lodi Financing Corporation, and Secretary Blackston recorded roll.

The Corporation, on motion of Director Hansen, Howard second, unanimously adopted Resolution No. LFC-9 electing the new officers to the Lodi Financing Corporation for the year 2003.

There being no further business, the meeting was adjourned at 1:55 a.m.

K-4 "Meeting of the City of Lodi Redevelopment Agency"

At 1:55 a.m., Chairperson Hitchcock called to order the meeting of the City of Lodi Redevelopment Agency, and Secretary Blackston recorded roll.

The Agency, on motion of Member Hansen, Howard second, unanimously adopted Resolution No. RDA2003-01 electing the new officers to the City of Lodi Redevelopment Agency for the year 2003, and, further, waiving the entitled compensation for this meeting.

There being no further business, the meeting was adjourned at 1:56 a.m.

Mayor Hitchcock reconvened the City Council meeting at 1:56 a.m.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Hitchcock made the following comments:
 - Thanked City Manager Flynn for the weekly status reports and suggested that they be combined with the weekly reports prepared from the department head meetings.
 - Addressing Public Works Director Prima, she stated that Council still has not received the impact fee annual revenue report.
 - Addressing City Manager Flynn, she asked that he look into the practice of paying overtime for Library employees working on Sundays and suggested it would be more cost effective to schedule a day off during the week for those who work on Sunday so that overtime is not necessary.
 - She asked that the \$290 fine for walking a dog in an undesignated area of a park be looked at for reasonableness compared to other fines and like fines in other cities.
- Council Member Land made the following comments:
 - Council received a copy of a letter from Information Systems Division Manager, Steve Mann, thanking Roy Todd, Dale Taylor, and Tyson Mordhorst for working on Thanksgiving Day to complete a conversion of the AS400 system.
 - Council received a letter from Joelle Gomez of the Women's Center thanking the Lodi Police Department for handling a difficult situation.
 - Safety concerns have been expressed by women regarding individuals loitering around the downtown parking structure.

City Manager Flynn responded that he was aware of the concerns. The parking structure has a security guard and the police have also been asked to patrol the area.

- Council Member Hansen acknowledged City staff for a job well done on the downtown New Year's Eve celebration. It was well attended and many positive comments were received. He asked to meet with City Manager Flynn and individuals in charge of the Dial-A-Ride program. He had heard complaints of elderly citizens having to wait for long periods of time, as well as complaints about the dispatchers. He personally observed on three occasions, individuals waiting in excess of 30 minutes for Dial-A-Ride.

Continued January 2, 2003

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn wished everyone a happy New Year and thanked Council for the appointees 3% COLA increase.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 2:02 a.m., Thursday, January 3, 2003.

ATTEST:

Susan J. Blackston
City Clerk